

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

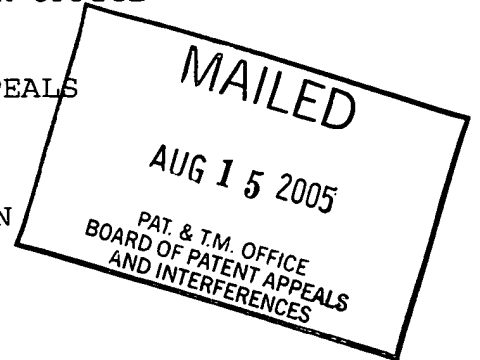
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JAMES R. ALBRITTON

Application No. 09/074,496

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Information Disclosure Statement (IDS) were filed on February 9, 2004. There is no indication in the record that the IDS has been considered. According to MPEP § 609 which states:

". . . . The Examiner must also full in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08B form."

On October 7, 2004 an Examiner's Answer was entered. Upon review of the examiner's answer, it appears that no appeal conference has been conducted. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8<sup>th</sup> ed., August 2001), when an appeal conference has been held, the appeal conference participants, including the examiner charged with the preparation of the Examiner's Answer, must identify themselves as the conferees, along with placing their initials next to their name. This procedure has not been completely followed, thus raising the question of whether or not an appeal conference was held.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for:

- 1) consideration of the IDS; and
  - 2) taking corrective action regarding the appeal conference,
- and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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- Application No. 09/074,496

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